

CHAPTER 54

ENVIRONMENTAL POLLUTION CONTROL

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§54101. Short Title. This Act shall be known as the *Environmental Pollution Control Act*.

SOURCE: Added by P.L. 17-46.

§54102. Statement of Policy. The proliferation of no deposit, no-return beer and soft drink containers is a major source of pollution in the territory of Guam. These containers are the most rapidly growing segment of islandwide waste, imposing a heavy burden on the government and citizens of Guam for their collection and disposal. The litter caused by these containers is a continuing threat to the health, safety and welfare of the citizens of Guam. The public policy of this Territory is to preserve its natural land environment and other resources and to protect, maintain and improve the aesthetic attributes of such environment for the propagation of wildlife and for the promotion of public health and welfare, and the enhancement of recreational and tourist facilities, as well as for agricultural and other legitimate beneficial uses, by providing a comprehensive program in the public interest of the prevention, abatement and control of littering and pollution of the environment within the territory and to provide effective means for the enforcement and carrying out of such program.

SOURCE: Added by P.L. 17-46.

§54103. Definitions. As used in this Chapter:

- (a) *Beverage* means beer, ale, malt liquor, and soft drinks; provided, however, that for purposes of this Chapter the term *beverage* shall not include items sold in a non-liquid, or frozen form or liquid

intended for medicinal purposes only, or unadulterated, natural or reconstituted fruit or vegetable juices.

(b) *Beverage container* means an individual, separate, aluminum can containing a beverage but does not mean a glass bottle, plastic bottle, or paper or styrofoam cup or carton.

(c) *Board* means the Board of Directors of the Guam Environmental Protection Agency.

(d) *Consumer* means every person who purchases a beverage in a beverage container for use or consumption.

(e) *Dealer* means every person who engages in the sale of beverages or beverage containers to a consumer for consumption off the premises.

(f) *Distributor* means every person who engages in the sale or distribution of beverages in beverage containers to a dealer in this Territory, including any manufacturer who engages in such sales.

(g) *Manufacturer* means every person canning, or otherwise filling beverage containers for sale to distributors or dealers.

(h) *Metal Salvage Contractor* means any person who engages in the purchase and resale of beverage containers in order to make a profit from the metal value of the containers.

(i) *Person* means an individual, corporation, company, association, partnership, federal agency, or agency of the government of Guam.

(j) *Use or Consumption* includes the exercise of any right or power over a beverage incident of the ownership thereof, other than the sale or the keeping retention of a beverage for the purpose of sale.

SOURCE: Added by P.L. 17-46.

§54104. Prohibition on Flip Top Metal Beverage Containers and Non-Aluminum Containers. No distributor or dealer shall sell or offer for sale in this territory any non-aluminum beverage container or any beverage container, a part

of which is wholly detachable in opening without a can opener (flip top or pull top cans).

The effective date of §54104 shall be July 1, 1989.

SOURCE: Added by P.L. 17-46 and R/R by P.L. 19-55:2.

§54105. Metal Salvage Contractors. Anyone may apply to the Board for a license to operate a metal salvage business. Distributors, dealers may engage the services of a licensed metal salvage contractor to collect, store, process and dispose of containers. Metal salvage contractors may purchase containers from consumers, dealers and distributors.

SOURCE: Added by P.L. 17-46.

§54106. Refund Value. Dealers, distributors and metal salvage contractors shall post their current price in full view of consumers.

SOURCE: Added by P.L. 17-46.

§54107. Criminal Penalties. (a) It shall be unlawful for any person to violate any provision of this Chapter or any regulation prescribed or adopted pursuant to this Chapter.

(b) Any person violating §53153 §54104 shall be guilty of a misdemeanor.

SOURCE: Added by P.L. 17-46

§54108. Severability. If any provision, clause or phrase of this Chapter, or the application thereof to any person, circumstances or any legal entity is held invalid, such invalidity shall not affect other provisions or application of this Chapter which may be given effect without the invalid provision or application and all provisions of this Chapter are declared to be separable.

SOURCE: Added by P.L. 17-46.

§54109. Rules and Regulations. The Board may promulgate rules and regulations as necessary to implement the provisions of this Chapter in accordance with the Administrative Adjudication Law.

SOURCE: Added by P.L. 17-46.